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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,761	03/15/2004	Thomas Fay-Oy Lim	LC-491 US	8642

7590 05/14/2007
HENKEL CORPORATION
Legal Department
1001 Trout Brook Crossing
Rocky Hill, CT 06067

EXAMINER

WYROZEBSKI LEE, KATARZYNA I

ART UNIT	PAPER NUMBER
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1714

MAIL DATE	DELIVERY MODE
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05/14/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/799,761	Applicant(s) LIM, THOMAS FAY-OY	
	Examiner Katarzyna Wyrozebski	Art Unit 1714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 21-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 21-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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In view of applicant's amendment submitted on 3/5/2007 following office action is final necessitated by amendment.

In their amendment the applicants have limited the silicon compound to specific alkoxysilyl and alkylsilyl, wherein the plasticizer is capped with R6 that is no longer an alkoxy group. In view of the above amendment new prior art has been found and applied against present claims.

Claim Rejections - 35 USC § 102

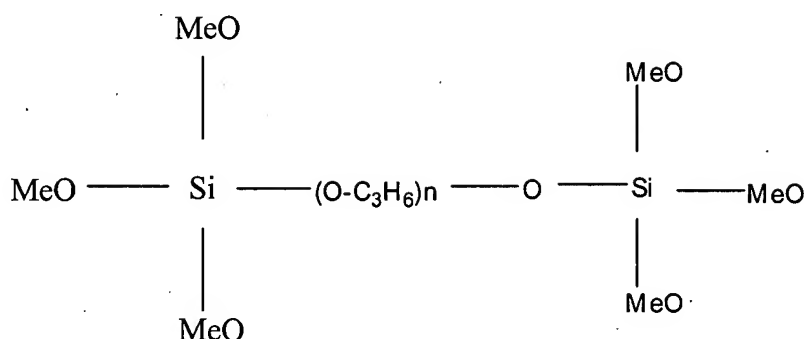
1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-11, 14, 18, 21, 22, 24 are rejected under 35 U.S.C. 102(b) as being anticipated by NAKAGAWA (JP 06-057122).

NAKAGAWA discloses composition for coating comprising polyether compound and plasticizer. The composition of NAKAGAWA is moisture curable [0007].

Specification of NAKAGAWA shows following components:

Component A

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Component B, is the silyl derivative thereof, wherein R group is an alkyl having 1-12 carbon atoms.

The formula above satisfies the requirements of the present claims since n and m of present invention can be zero.

The polyether example presented above is based on the polypropylene oxide. Polyether compound is formed utilizing catalyst such as KOH and complex metal compound [0012]

Additives include catalyst that are moisture curing catalysts [0044] and reinforcing agents such as carbon black, calcium carbonate, metal oxides and the like. Oils, fatty acid ester salts and the like [0045]. According to the examples of NAKAGAWA, calcium carbonate is utilized in amount of 50 pbw [0060]. Paragraph [0060] further teaches use of alkoxysilanes, which are widely known as adhesion promoters or coupling agents.

In the light of the above disclosure, the prior art of NAKAGAWA anticipates claims rejected above.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 8, 11-13, 15-18, 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over NAKAGAWA (JP 06-057122) in view of IWAHARA (JP 62-39646).

The discussion of the disclosure of the prior art of NAKAGAWA from paragraph 2 of this office action is incorporated here by reference.

The difference between the present invention and the disclosure of NAKAGAWA include polytetramethylen oxide as polyether backbone, additional plasticizers and functional equivalent of adhesion promoters and polymeric substrates.

The disclosure of the prior art of IWAHARA from paragraph 5 of the office action dated 12/04/2006 is incorporated here by reference.

The prior art of NAKAGAWA discloses composition based on the polyether compounds. It is utilized as an adhesive or a coating with additives such as plasticizers, fillers or adhesion promoters. Utilizing these additives as disclosed in the composition of IWAHARA would have been obvious modification since the additives are customary additives known in the art. Such modification would still provide a coating or adhesive composition that is moisture curable.

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5. Claims 1-18, 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over NAKAGAWA (JP 06-057122) and IWAHARA (JP 62-39646) further in view of TOSHIFUMI (EP 106 330).

The discussion of the disclosure of the prior art of NAKAGAWA from paragraph 2 of this office action is incorporated here by reference.

The difference between the present invention and the disclosure of NAKAGAWA and IWAHARA include recitation of specifically polyethylene or polypropylene as substrates.

The discussion of the disclosure of TOSHIFUMI from paragraph 8 of the office action dated 12/4/2006 is incorporated here by reference.

In the amendment filed on 3/5/2007 the applicants argued rejections that are no longer stated against present claims. Applicant's arguments are therefore considered moot.

Claim Rejections - 35 USC § 112

The rejections of record as stated in the first office action on the merits are not withdrawn and are incorporated here by reference. The applicants argued that term "substituted" is well known in the art. The examiner agrees. However; what renders claim indefinite is not specifically term "substituted" itself but lack of information as to what the compound is substituted with.

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6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

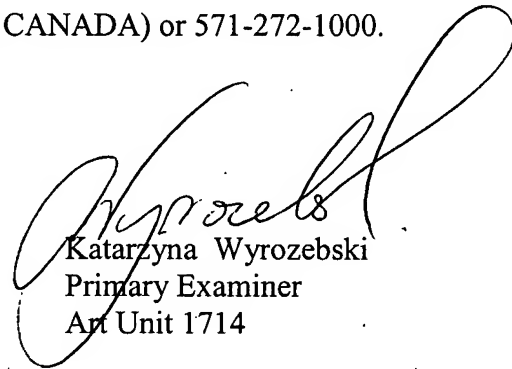
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katarzyna Wyrozebski whose telephone number is (571) 272-1127. The examiner can normally be reached on Mon-Thurs 6:30 AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Katarzyna Wyrozebski
Primary Examiner
Art Unit 1714

May 8, 2007